

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WENDY B.,

Plaintiff,

-v-

5:22-CV-708

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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Special Ass't U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On July 1, 2022, plaintiff Wendy B.¹ (“plaintiff”) filed this action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner”) denying her application for Disability Insurance Benefits (“DIB”) under the Social Security Act (the “Act”).

The Commissioner filed a certified copy of the Administrative Record, Dkt. No. 9, and both parties briefed the matter in accordance with General Order 18, which provides that an appeal taken from the Commissioner’s decision denying benefits will be treated as if the parties have filed cross-motions for a judgment on the pleadings, Dkt. Nos. 10, 15, 16.

On May 5, 2023, after hearing oral argument, U.S. Magistrate Judge David E. Peebles advised by Report & Recommendation (“R&R”) that the Commissioner’s motion be granted, that plaintiff’s motion be denied, that the Commissioner’s decision be affirmed, and that plaintiff’s complaint be dismissed. Dkt. No. 18.

Plaintiff sought, Dkt. No. 19, and was granted, Dkt. No. 20, an extension of time in which to file objections to the R&R. But neither party has filed objections, and the time period in which to do so has expired. *See* Dkt. No.

¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only the first name and last initial of plaintiff will be mentioned in this opinion.

20. Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

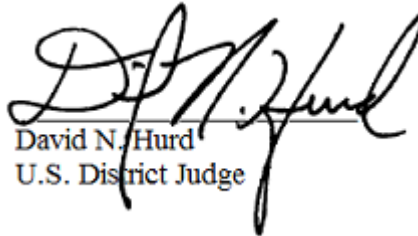
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's motion is DENIED;
3. The Commissioner's motion is GRANTED;
4. The Commissioner's decision is AFFIRMED; and
5. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.



David N. Hurd
U.S. District Judge

Dated: May 30, 2023
Utica, New York.